



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

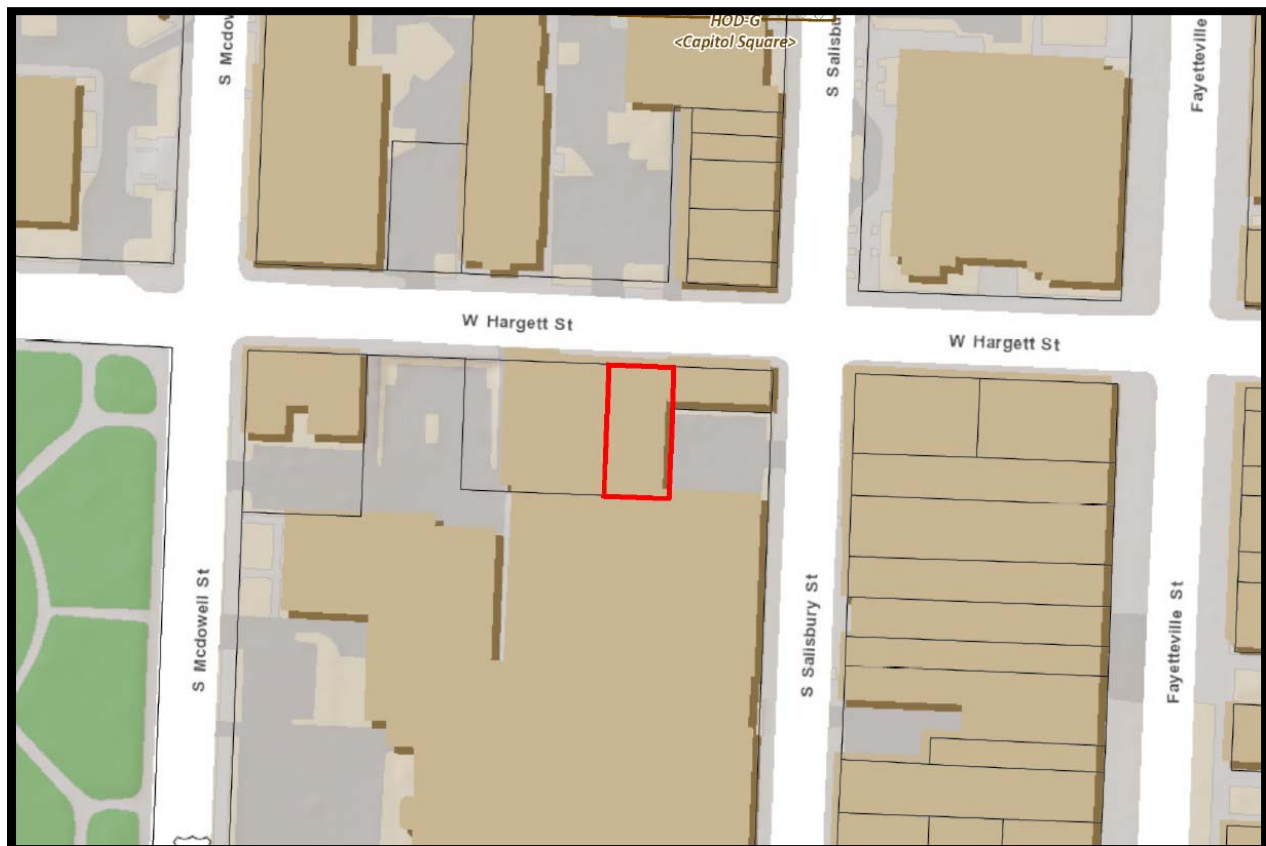
**Case File:** A-21-18

**Property Address:** 107 W. Hargett Street

**Property Owner:** MMP Hargett 107 LLC

**Project Contact:** Michael Allen

**Nature of Case:** A request for a variance from the requirement that open space be contiguous with the public sidewalk as set forth in Section 1.5.3.D.1. of the Unified Development Ordinance in order to instead provide the required amount of open space on upper stories of the building as part of an expansion of an existing three story building into a 5 story mixed-use building located on a .12 acre parcel zoned Downtown Mixed-Use -20-Shopfront and located at 107 W. Hargett Street.

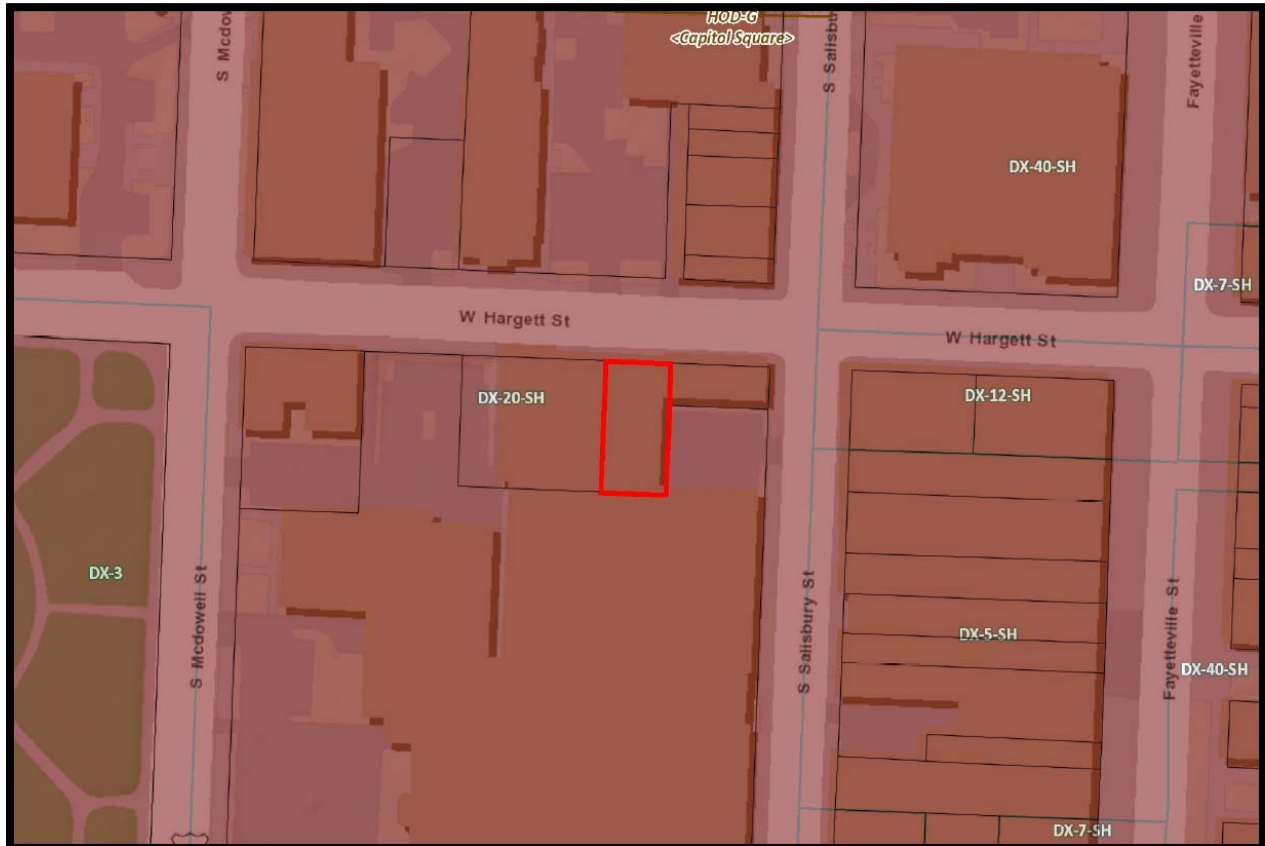


**107 W. Hargett Street – Location Map**

To BOA: 2-12-18

Staff Coordinator: Eric S. Hodge, AICP

**ZONING**  
**DISTRICTS:** Office Mixed-Use-3 Detached



### 107 W. Hargett Street – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

**Zoning District Standards:** The subject property is zoned Downtown Mixed Use-20 Shopfront

<b>DX : Yard Type</b>	<b>Principal Structure Minimum Setback</b>
Primary Street	5'
Side Street	5'
Side	0' or 6'
Rear	0' or 6'

### **Sec. 1.5.3 Coverage**

#### **A. Defined**

Building coverage is the maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

#### **B. Intent**

1. Outdoor amenity areas are intended to provide usable on-site open space in both residential and non-residential developments for the healthy enjoyment of occupants, invitees and guests of the development.
- 2.. In more intensely developed urban contexts, outdoor amenity areas are also intended to provide visual breaks.

#### **C. General Requirements**

1. Where outdoor amenity area is required, it must be provided on-site and must be available for use by or as an amenity for the occupants, invitees and guests of the development.
2. All required outdoor amenity areas must be ADA accessible.
3. Required outdoor amenity area may be met in 1 contiguous open area or in multiple open areas on the lot; however, to receive credit, each area must be at least 10 feet in width and length.
4. Required outdoor amenity area may be located at or above grade.
5. Required outdoor amenity area cannot be parked or driven upon, except for emergency access and permitted temporary events.
6. In all other districts except DX-, required outdoor amenity area may be covered but cannot be enclosed.
7. Above-ground stormwater detention facilities shall not be considered an outdoor amenity area.
8. Tree Conservation areas shall not be considered an outdoor amenity area.

#### D. Additional Requirements for Urban Plazas

Amenity areas located within the DX- District or the NX-, CX- or OX- Districts with an urban frontage, and associated buildings in excess of 4 stories in height must meet all of the following:

1. Amenity areas associated with a general building, or mixed use building that is 50% or more non-residential in floor area must be located contiguous to the public sidewalk and be visually permeable from the public right-of-way. When a mixed use building is more than 50% residential by floor area, only half of the required amenity area must meet this standard.
2. Amenity areas may contain any one of the following: benches, seats, tables, eating areas, plazas, courtyards, fountains, active recreation areas or public art.
3. Amenity areas installed in conjunction with an apartment or townhouse building type may contain any of the amenities listed above in subsection D.2, as well as courts, pools or fields used for active recreation.
4. All required outdoor amenity areas must provide one linear foot of seating for each 50 square feet of required open space area and one two-inch caliper tree for every 1,000 square feet of required open space area.
5. For all buildings greater than 7 stories in height, the minimum amount of required open space area specified in chapter 3 shall be increased. An additional 50 square feet of amenity area is required for each building story above the seventh story. In no case shall the required amenity area exceed 12% of the gross site area.

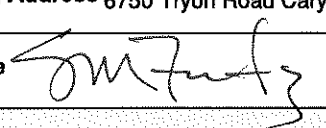

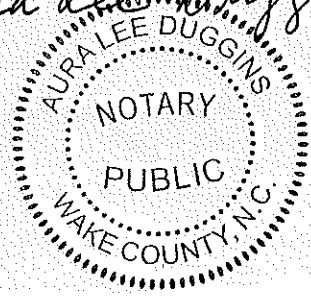
# Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p><b>Nature of variance request (if more space is needed, submit addendum on separate sheet):</b>                      The existing building located at 107 West Hargett Street is being renovated and expanded to provide new restaurant and office space. The existing building is a contributing structure in a National Register Historic District. As required, a minimum of 10% amenity area is being provided with the new building. However, because the face of the existing building is located at the right-of-way, the amenity area is located on the upper floor of the building which is not located contiguous to the public sidewalk as required by 1.5.3.D.1.</p>	<p><b>Transaction Number</b></p> <p>A-21-18</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p> <p><b>Transaction #: 533390</b></p>	

GENERAL INFORMATION		
Property Address <b>107 West Hargett Street</b>		Date <b>01/10/2018</b>
Property PIN <b>1703-68-5381</b>	Current Zoning <b>DX-20-SH</b>	
Nearest Intersection <b>Hargett Street and Salisbury Street</b>		Property size (in acres) <b>0.12 acres</b>
Property Owner <b>MMP Hargett 107 LLC</b>	Phone (919) 606-8150	Fax <b>N/A</b>
Owner's Mailing Address <b>2426 E. Lake Drive Raleigh, NC 27609</b>	Email <b>stuartfrantz@gmail.com</b>	
Project Contact Person <b>Michael Allen</b>	Phone (919) 858-1888	Fax (919) 836-4801
Contact Person's Mailing Address <b>6750 Tryon Road Cary, NC 27518</b>	Email <b>mallen@calyxengineers.com</b>	
Property Owner Signature 	Email <b>stuartfrantz@gmail.com</b>	
<p><b>Notary</b></p> <p>Sworn and subscribed before me this <u>12<sup>th</sup></u> day of <u>January</u>, 20<u>18</u></p> <p><i>My commission expires: June 3, 2019</i></p>	<p><b>Notary Signature and Seal</b></p> <p></p> <p></p>	

**DESIGN AMENDMENTS REQUESTED:**

- STANDARD SET SIDEWALK SECTION CANNOT BE OBTAINED.
- W. HARGETT STREET IS CLASSIFIED AS A MAIN STREET. THE SIDEWALK SECTION CANNOT BE OBTAINED.

**NOTES:**

- NO INCREASE OF IMPERVIOUS SURFACES ARE PROPOSED. PROJECT IS ELIGIBLE FOR EXEMPTION FROM STORMWATER MANAGEMENT REQUIREMENTS.
- REVIEW PER 2012 NC ZONING, SECTION 602.1

**BUILDING SUMMARY:**

GROUND FLOOR (RESTAURANT)	5,200 SF
2ND FLOOR (BUSINESS)	5,115 SF
4TH FLOOR (BUSINESS)	4,400 SF (INTERIOR)
4TH FLOOR (BUSINESS)	400 SF (EXTERIOR)
5TH FLOOR (RESTAURANT)	3,700 SF (INTERIOR)
5TH FLOOR (RESTAURANT)	1,400 SF (EXTERIOR)
<b>TOTAL SF</b>	<b>25,485 SF</b>

**AMENITY REQUIREMENTS**

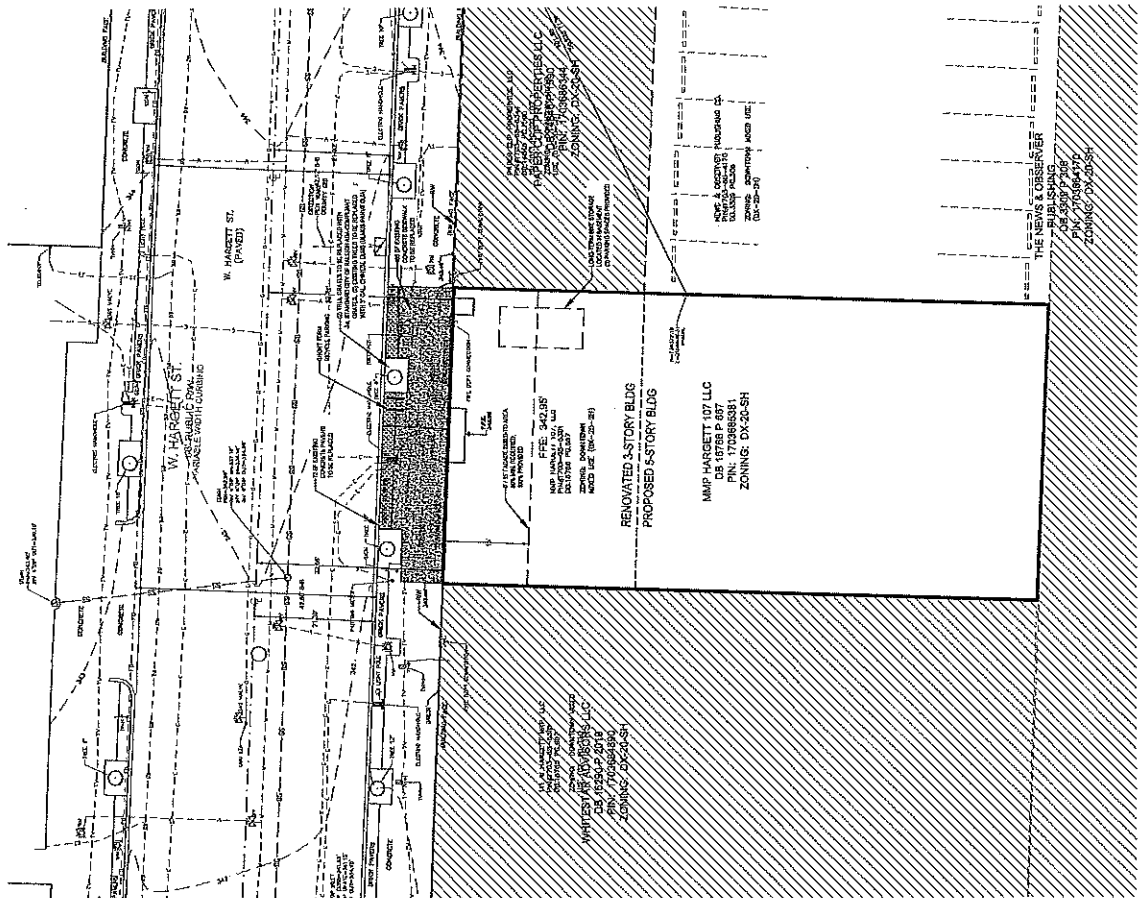
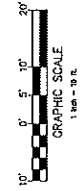
PROVIDE A MINIMUM OF 10% OF TOTAL PARCEL AREA

TOTAL PARCEL AREA: 0.12 ACRES (5,227.2 SF)

MINIMUM AMENITY (10%): 522.7 SF

AMENITY AREA PROVIDED: 522.7 SF

**NOTE:** AMENITY AREA LOCATED ON FIFTH FLOOR TERRACE. REFERTO SHEET A100.



**PARKING SUMMARY**

Per 100-500 sq ft, 1.2 parking spaces are required for the first 10,000 sq ft of GFA of any non-residential use. In addition, at least 20% of the ground floor is restaurant.

Total SF:	25,485 SF
Office SF:	10,000 SF
Restaurant SF:	15,485 SF
Remaining SF for Parking Requirements:	5,485 SF

After reductions, parking to be provided is 11 spaces per 500 SF

Parking Required: 5,485 SF / 500 = 11 Parking Spaces (Including 1 Van Accessible Space)

Remote Parking Agreement will be provided for the required parking spaces.

- Remote parking will be located in the Zoning District 200 feet of the building.
- Remote Parking Agreement will be provided at building permit for Office Tenant Use.

**BIKE PARKING REQUIREMENTS**

**SHORT TERM**

Required: 1 space per 50,000 sq ft required: Proposed 10,144 sq ft. 1 space

Office: 1 space per 5,000 sq ft required: Proposed 15,345 sq ft. 4 spaces

Total Required per calculation: 5 spaces (Total Required is a minimum of 4 spaces)

**SHORT TERM SPACES PROVIDED: 4**

**LONG TERM**

Required: 1 space per 25,000 sq ft required: Proposed 10,144 sq ft. 1 space

Office: 1 space per 5,000 sq ft required: Proposed 15,345 sq ft. 4 spaces

Total Required per calculation: 5 spaces (Total Required is a minimum of 4 spaces)

**LONG TERM SPACES PROVIDED: 5**

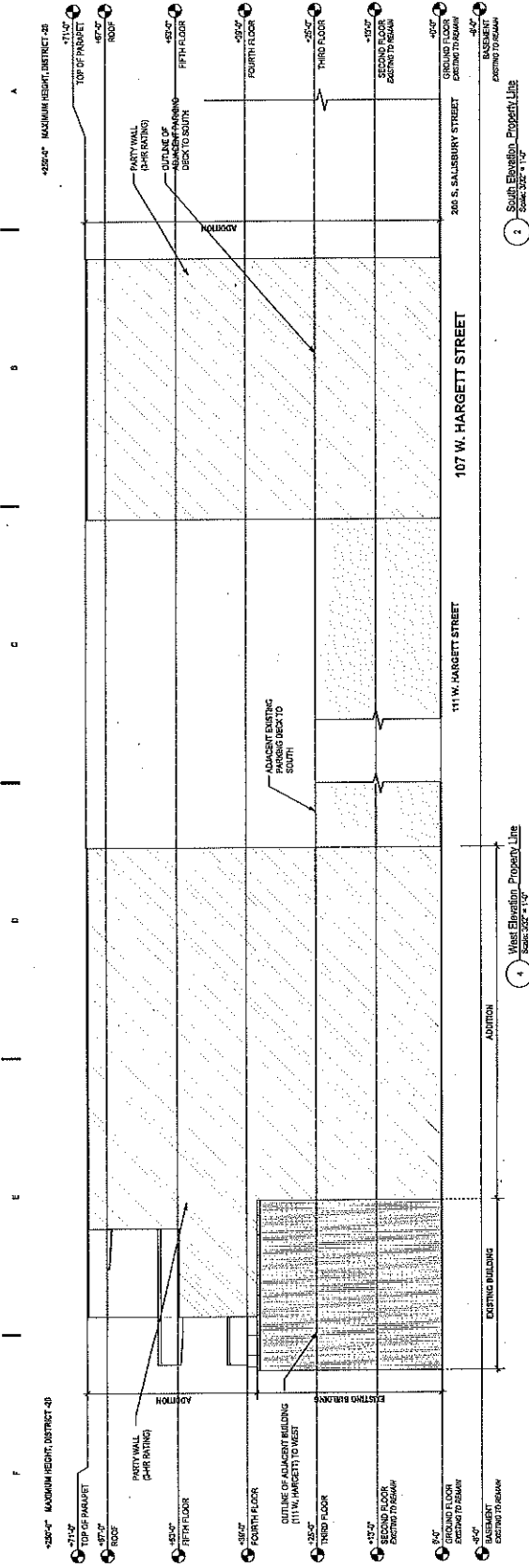
**Note:** Long Term Bike Parking is located in the basement as indicated in the Site Plan.

# CLEARSCAPES

ARCHITECT  
 210 S. Hargett Street  
 Raleigh, NC 27601  
 919.335.4000  
 www.clearscapes.com

OWNER  
 107 W. Hargett Street  
 Raleigh, NC 27601  
 919.335.4000

DATE  
 01/11/18



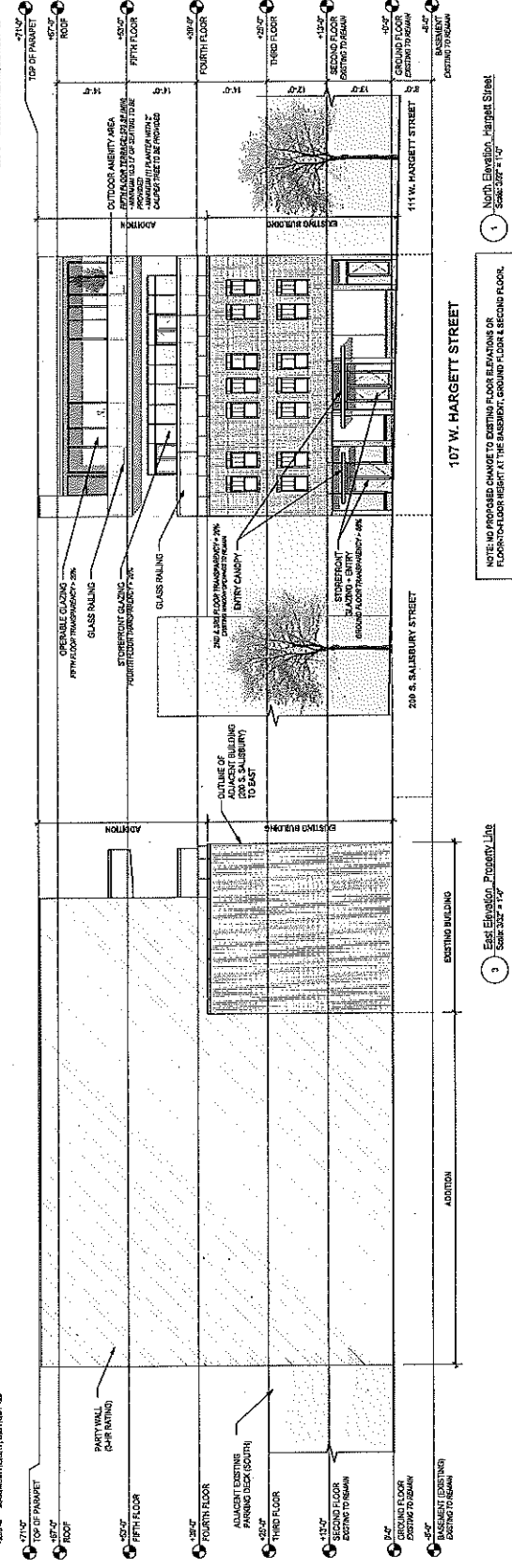
4 West Elevation Property Line  
 Scale: 3/32" = 1'-0"

2 South Elevation Property Line  
 Scale: 3/32" = 1'-0"

ADMINISTRATIVE SITE REVIEW  
 01/11/18

107 W. HARGETT

107 W. Hargett Street  
 Raleigh, NC



3 East Elevation Property Line  
 Scale: 3/32" = 1'-0"

1 North Elevation Property Line  
 Scale: 3/32" = 1'-0"

BUILDING ELEVATIONS

A100

NOTE: NO PROPOSED CHANGE TO EXISTING FLOOR ELEVATIONS OR  
 FLOOR-TO-FLOOR HEIGHT AT THE BASEMENT, GROUND FLOOR & SECOND FLOOR.



**107 W. Hargett Street Renovation Project  
Site Plan Transaction #533390  
Adjacent Property Addresses**

**MMP Hargett 107 LLC**

2426 E Lake Drive  
Raleigh NC 27609-7610

**First Presbyterian Church**

111 W Morgan Street  
Raleigh, NC 27601-1335

**Paper Clip Properties, LLC**

1900 Cameron Street  
Raleigh, NC 27605-1307

**Rufus L. Edmisten, Linda Harris**

2121 Lake Wheeler Road  
Raleigh, NC 27603-2607

**One Thirty South LLC**

PO Box 426  
Raleigh, NC 27602-0426

**111 W Hargett MRP LLC**

Whitestar Advisors LLC  
902 Clint Moore Rd Suite 104  
Boca Raton, FL 33487-2846

**Phoenix III of Raleigh, LLC**

5 Hutton Centre Drive, Suite 888  
Santa Ana, CA 92707